

105TH CONGRESS
2D SESSION

H. R. 3534

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

Mr. CONDIT (for himself, Mr. PORTMAN, Mr. GOODE, Mr. SOLOMON, Mr. DREIER, Mr. BISHOP, Mr. ARMEY, Mr. STENHOLM, Mr. GOSS, Mr. MCINTYRE, Mr. LINDER, Mr. JOHN, Ms. PRYCE of Ohio, Mr. CRAMER, Mr. MCINNIS, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. BOEHNER, Mr. DOOLITTLE, Mr. SESSIONS, Mr. CHABOT, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Rules

A BILL

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mandates Information
5 Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Before acting on proposed private sector
2 mandates, the Congress should carefully consider the
3 effects on consumers, workers, and small businesses.

4 (2) The Congress has often acted without ade-
5 quate information concerning the costs of private
6 sector mandates, instead focusing only on the bene-
7 fits.

8 (3) The costs of private sector mandates are
9 often borne in part by consumers, in the form of
10 higher prices and reduced availability of goods and
11 services.

12 (4) The costs of private sector mandates are
13 often borne in part by workers, in the form of lower
14 wages, reduced benefits, and fewer job opportunities.

15 (5) The costs of private sector mandates are
16 often borne in part by small businesses, in the form
17 of hiring disincentives and stunted growth.

18 **SEC. 3. PURPOSES.**

19 The purposes of this Act are the following:

20 (1) To improve the quality of the Congress' de-
21 liberation with respect to proposed mandates on the
22 private sector, by—

23 (A) providing the Congress with more com-
24 plete information about the effects of such man-
25 dates; and

1 (B) ensuring that the Congress acts on
2 such mandates only after focused deliberation
3 on the effects.

4 (2) To enhance the ability of the Congress to
5 distinguish between private sector mandates that
6 harm consumers, workers, and small businesses, and
7 mandates that help those groups.

8 **SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.**

9 (a) IN GENERAL.—

10 (1) ESTIMATES.—Section 424(b)(2) of the Con-
11 gressional Budget Act of 1974 (2 U.S.C.
12 658c(b)(2)) is amended—

13 (A) in subparagraph (A) by striking “and”
14 after the semicolon; and

15 (B) by redesignating subparagraph (B) as
16 subparagraph (C), and inserting after subpara-
17 graph (A) the following:

18 “(B) when applicable, the impact (includ-
19 ing any disproportionate impact in particular
20 regions or industries) on consumers, workers,
21 and small businesses, of the Federal private
22 sector mandates in the bill or joint resolution,
23 including—

24 “(i) an analysis of the effect of the
25 Federal private sector mandates in the bill

1 or joint resolution on consumer prices and
2 on the actual supply of goods and services
3 in consumer markets;

4 “(ii) an analysis of the effect of the
5 Federal private sector mandates in the bill
6 or joint resolution on worker wages, work-
7 er benefits, and employment opportunities;
8 and

9 “(iii) an analysis of the effect of the
10 Federal private sector mandates in the bill
11 or joint resolution on the hiring practices,
12 expansion, and profitability of businesses
13 with 100 or fewer employees; and”.

14 (2) POINT OF ORDER.—Section 424(b)(3) of
15 the Congressional Budget Act of 1974 (2 U.S.C.
16 658c(b)(3)) is amended by adding after the period
17 “If such determination is made by the Director, a
18 point of order under this part shall lie only under
19 section 425(a)(1) and as if the requirement of sec-
20 tion 425(a)(1) had not been met.”.

21 (3) THRESHOLD AMOUNTS.—Section 425(a) of
22 the Congressional Budget Act of 1974 (2 U.S.C.
23 658d(a)) is amended by—

1 (A) striking “and” after the semicolon at
2 the end of paragraph (1) and redesignating
3 paragraph (2) as paragraph (3); and

4 (B) inserting after paragraph (1) the fol-
5 lowing new paragraph:

6 “(2) any bill, joint resolution, amendment, mo-
7 tion, or conference report that would increase the di-
8 rect costs of Federal private sector mandates by an
9 amount that causes the thresholds specified in sec-
10 tion 424(b)(1) to be exceeded; and”.

11 (4) APPLICATION RELATING TO APPROPRIA-
12 TIONS COMMITTEES.—(A) Section 425(c)(1)(A) of
13 the Congressional Budget Act of 1974 (2 U.S.C.
14 658d(c)(1)(A)) is amended by striking “except”.

15 (B) Section 425(c)(1)(B) of the Congressional
16 Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is
17 amended—

18 (i) in clause (i) by striking “intergovern-
19 mental”;

20 (ii) in clause (ii) by striking “intergovern-
21 mental”;

22 (iii) in clause (iii) by striking “intergovern-
23 mental”; and

24 (iv) in clause (iv) by striking “intergovern-
25 mental”.

1 (5) THRESHOLD BURDEN.—(A) Section
2 426(b)(2) of the Congressional Budget Act of 1974
3 (2 U.S.C. 658e(b)(2)) is amended by inserting “leg-
4 islative” before “language”.

5 (B) Section 426(b)(2) of the Congressional
6 Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amend-
7 ed by striking “section 425 or subsection (a) of this
8 section” and inserting “part B”.

9 (6) QUESTION OF CONSIDERATION.—(A) Sec-
10 tion 426(b)(3) of the Congressional Budget Act of
11 1974 (2 U.S.C. 658e(b)(3)) is amended by striking
12 “section 425 or subsection (a) of this section” and
13 inserting “part B”.

14 (B) Section 426(b)(3) of the Congressional
15 Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amend-
16 ed by inserting “, except that not more than one
17 point of order shall be recognized by the Chair under
18 section 425(a)(1) or (a)(2)” before the period.

19 (7) APPLICATION RELATING TO CONGRES-
20 SIONAL BUDGET OFFICE.—Section 427 of the Con-
21 gressional Budget Act of 1974 (2 U.S.C. 658f) is
22 amended by striking “intergovernmental”.

23 (b) RULES OF THE HOUSE OF REPRESENTATIVES.—
24 Clause 5(c) of rule XXIII of the Rules of the House of
25 Representatives is amended by striking “intergovern-

1 mental” and by striking “section 424(a)(1)” and inserting
2 “section 424 (a)(1) or (b)(1)”.

3 (c) EXERCISE OF RULEMAKING POWERS.—This sec-
4 tion is enacted by Congress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and the House of Representatives, re-
7 spectively, and as such it shall be considered as part
8 of the rules of such House, respectively, and shall
9 supersede other rules only to the extent that they
10 are inconsistent therewith; and

11 (2) with full recognition of the constitutional
12 right of either House to change such rules (so far
13 as relating to such House) at any time, in the same
14 manner, and to the same extent as in the case of
15 any other rule of each House.

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